

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jan 26, 2024**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JESSICA D.,<sup>1</sup>

Plaintiff,

v.

MARTIN O'MALLEY, Commissioner of  
Social Security,<sup>2</sup>

Defendant.

No. 1:23-cv-3160-EFS

**ORDER GRANTING THE PARTIES'  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C.  
§ 405(g)**

The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings.

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

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<sup>1</sup> For privacy reasons, the Court refers to every social security plaintiff by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

<sup>2</sup> Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, and section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), he is hereby substituted for Kilolo Kijakazi as the defendant in this suit.

1           1.     The parties' Stipulated Motion for Remand, **ECF No. 11**, is  
2                     **GRANTED**.

- 3                 •     This matter is **REVERSED** and **REMANDED** to the  
4                     Commissioner of Social Security for further administrative  
5                     proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On  
6                     remand, the Appeals Council is to instruct the ALJ to reevaluate  
7                     the severity of Plaintiff's impairments, including the severity of  
8                     the Plaintiff's fibromyalgia in accordance with SSR 12-2p; offer  
9                     Plaintiff the opportunity for a new hearing; continue with the  
10                    sequential evaluation; reevaluate the testimonial and opinion  
11                    evidence; take further action to complete the administrative  
12                    record as needed to resolve the issues above; and issue a new  
13                    decision.

14           2.     The Clerk's Office shall **TERM** the hearing and the Plaintiff's brief,  
15                     **ECF No. 9**, enter **JUDGMENT** in favor of Plaintiff, and **CLOSE** the  
16                     case.

17           **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order  
18     and provide copies to all counsel.

19           **DATED** this 26th day of January 2024.

20                             

21                             EDWARD F. SHEA  
22                             Senior United States District Judge  
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